

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GERALD BUSH,

Plaintiff,

v.

**COMMONWEALTH OF
PENNSYLVANIA, *et al.*,**

Defendants.

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Case No. 2:23-cv-2216-JDW

ORDER

AND NOW, this 17th day of August, 2023, it is **ORDERED** as follows.

1. Plaintiff Gerald Bush's Motion to Proceed *In Forma Pauperis* (ECF No. 1) is **GRANTED** pursuant to 28 U.S.C. § 1915, and the Complaint is **DEEMED** filed;

2. The Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum as follows:

a. All claims against Defendants Commonwealth of Pennsylvania, the Philadelphia Police Department, the District Attorney's Office of Philadelphia, and the "State of Pennsylvania as Employers of City Agency" are **DISMISSED WITH PREJUDICE**.

b. All claims against Defendant the City of Philadelphia are **DISMISSED WITHOUT PREJUDICE**.

3. The Clerk of Court shall terminate the Commonwealth of Pennsylvania, the Philadelphia Police Department, the District Attorney's Office of Philadelphia, and the "State of Pennsylvania as Employers of City Agency" as defendants;

4. Mr. Bush may file an amended complaint on or before September 15, 2023, limited to his claims against the City of Philadelphia. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Mr. Bush's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Mr. Bush should be mindful of my reasons for dismissing the claims in his initial Complaint as explained in the accompanying Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until I so order;

5. The Clerk of Court shall send Mr. Bush a blank copy of the Court's form complaint for a non-prisoner filing a civil rights action bearing the above civil action number, and Mr. Bush may use this form to file his amended complaint if he chooses to do so;

6. If Mr. Bush does not wish to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court on or before September 15, 2023, stating that intent, at which time I will issue a final order

dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case; and

7. If Mr. Bush fails to file any response to this Order, then I will conclude that he intends to stand on his Complaint and will issue a final order dismissing this case.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.